

Chapter 14.74 Reasonable Use Exception.

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14.74.010 Purpose.

The City recognizes that the strict application of DMC 14.42 Sensitive Area Regulations, may, in some cases, deny all reasonable economic use of private property. In such cases, the applicant may seek a reasonable use exception from the standards of this Title.

14.74.020 Scope.

The standards and regulations of DMC 14.42 Sensitive Area Regulations, are not intended, and shall not be construed or applied in a manner, to deny all reasonable economic use of private property. If an applicant demonstrates to the satisfaction of the Hearing Examiner that strict application of these standards would deny all reasonable economic use of the property, development may be permitted subject to appropriate conditions.

14.74.030 Procedure.

Applications for a reasonable use exception shall follow the procedures for a Type III review pursuant to DMC 14.08, Permit Processing.

14.74.040 Decision criteria.

An applicant seeking relief from the strict application of DMC 14.42 Sensitive Area Regulations, shall demonstrate the following:

1. No reasonable use with less impact on the sensitive area and the buffer is feasible and reasonable; and
2. There is no feasible and reasonable on-site alternative to the activities proposed, considering possible changes in site layout, reductions in density and similar factors; and
3. The proposed activities, as conditioned, will result in the minimum possible impacts to affected sensitive areas; and
4. All reasonable mitigation measures have been implemented or assured; and
5. The inability to derive reasonable economic use is not the result of the applicant's actions. The purchase price of the property shall not be construed to be an applicant's action.